

TD:JB  
F.#2004R01798

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

FILED UNDER SEAL

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. \_\_\_\_\_  
(T. 21, U.S.C., §§  
841(a)(1),  
841(b)(1)(A)(i),  
841(b)(1)(A)(iii),  
841(b)(1)(B)(iii),  
841(b)(1)(C), 846 and  
860(a); T. 18, U.S.C.,  
§§ 2 and 3551 et seq.)

RAFAEL PEREZ, also known as  
"Macho,"  
KEVIN HOWARD, also known as  
"Aki" and "Rahim,"  
EDWARD SUAREZ, also known as  
"Eddie,"  
ARNALDO RAMOS, also known as  
"Kiko,"  
STANLEY JOHNSON, also known as  
"Stan,"  
LUIS MUNOZ, also known as  
"Cano," and  
DONALD ZOTTA, also known as  
"Donny,"

Defendants.

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE  
(Crack and Heroin Conspiracy)

1. In or about and between 1989 and October 2004, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RAPHAEL PEREZ, also known as "Macho," KEVIN HOWARD, also known as "Aki" and "Rahim," EDWARD SUAREZ, also known as "Eddie," ARNALDO RAMOS, also known as "Kiko," STANLEY JOHNSON, also known as "Stan," LUIS MUNOZ, also known as "Cano," and DONALD ZOTTA, also known as

"Donny," together with others, did knowingly and intentionally conspire to distribute and to possess with intent to distribute a controlled substance, which offense involved (a) 50 grams or more of a substance containing cocaine base, a Schedule II controlled substance, and (b) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(i) and 841(b)(1)(A)(iii); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Crack and Heroin Distribution Near Greenpoint Playground)

2. In or about and between 1989 and October 2004, within the Eastern District of New York, the defendants RAPHAEL PEREZ, also known as "Macho," KEVIN HOWARD, also known as "Aki" and "Rahim," EDWARD SUAREZ, also known as "Eddie," ARNALDO RAMOS, also known as "Kiko," STANLEY JOHNSON, also known as "Stan," LUIS MUNOZ, also known as "Cano," and DONALD ZOTTA, also known as "Donny," together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance within one thousand feet of the real property comprising a playground, to wit: the Greenpoint Playground, which offense involved (a) 50 grams or more of a substance containing cocaine base, a Schedule II controlled substance, and (b) one kilogram or more of a substance containing heroin, a

Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 860(a), 841(b)(1)(A)(i) and 841(b)(1)(A)(iii); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE  
(Heroin Distribution)

3. On or about May 19, 2004, within the Eastern District of New York, the defendant LUIS MUNOZ, also known as "Cano," together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR  
(Crack Distribution)

4. On or about July 29, 2004, within the Eastern District of New York, the defendants STANLEY JOHNSON, also known as "Stan," and DONALD ZOTTA, also known as "Donny," together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense

involved 5 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

ADDITIONAL ALLEGATIONS AS TO COUNTS ONE THROUGH TWO

5. The allegations contained in Counts One through Two are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference in Counts One through Two.

6. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by defendant, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by defendant, in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection or responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

§ 1B1.3(a)(1)):


a. The offense involved at least 1.5 kilograms of cocaine base (U.S.S.G. § 2D1.1(c)(1)).

b. The offense involved the possession of a dangerous weapon (U.S.S.G. § 2D1.1(b)(1)).

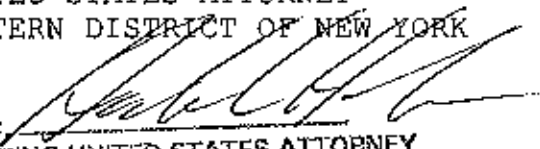
c. Defendant RAFAEL PEREZ, also known as "Macho," was an organizer and leader of a criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

d. Defendants EDWARD SUAREZ, also known as "Eddie," and KEVIN HOWARD, also known as "Aki" and "Rahim," were managers and supervisors of a criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(b)).

A TRUE BILL

  
\_\_\_\_\_  
E. J. CONNELLEY

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ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY:   
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.138

